

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION - CINCINNATI**

**UNITED STATES OF AMERICA,**  
**Plaintiff,**

**V.**

**MARK ALTHERR,**

**Defendant.**

CASE NO. 1:24 CR-093

**JUDGE J. COLE**

## INDICTMENT

18 U.S.C. § 2251(a) and (e)  
18 U.S.C. § 2252A(a)(5)(B) and (b)(2)

## FORFEITURE ALLEGATION

## THE GRAND JURY CHARGES:

## DEFINITIONS

1. The term “minor,” as defined in 18 U.S.C. § 2256(1) means a person under the age of eighteen (18) years.
2. The term “sexually explicit conduct,” as defined in 18 U.S.C. § 2256(2)(A)(i-v), means actual or simulated 1) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; 2) bestiality; 3) masturbation; 4) sadistic or masochistic abuse; or 5) lascivious exhibition of the anus, genitals, or pubic area of any person.
3. The term “visual depiction,” as defined in 18 U.S.C. § 2256(5), includes undeveloped film and videotape, data stored on computer disk or by other electronic means which is capable of conversion into a visual image, and data which is capable of conversion into a visual image that has been transmitted by any means, whether or not stored in a permanent format.

**DEFENDANT**

4. **MARK ALTHERR**, the defendant herein, was a resident of the Southern District of Ohio.

**COUNTS 1 - 16**

**(Sexual Exploitation of Children)**

5. Paragraphs 1 through 4 of this Indictment are re-alleged and incorporated by reference in Counts 1-16.

6. The name “Minor Victim” is the pseudonym of a minor, who was born in March of 2018, and was 5 and 6 years old at the times charged in the Indictment.

7. On at least 16 instances, the dates of which are described below, the defendant sexually exploited Minor Victim by producing visual depictions of Minor Victim engaging in and assisting another person to engage in sexually explicit conduct for the purpose of producing a visual depiction of that conduct.

8. In addition to producing the 16 visual depictions of the Minor Victim, the materials used had been mailed, shipped, and transported in and affecting interstate or foreign commerce by any means, including by computer, because the defendant used a Lexar USB drive, which was manufactured outside the State of Ohio.

9. On or about the dates set forth below, within the Southern District of Ohio and elsewhere, the defendant, **MARK ALTHERR**, did employ, use, persuade, induce, entice, and coerce a minor, to wit: Minor Victim, to engage in and to assist another person to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, which visual depiction was produced using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any

means, including by computer. Each use of the Minor Victim to produce a visual depiction, as set forth below, constitutes a separate count of the Indictment.

<b>Count</b>	<b>Date</b>	<b>Name</b>	<b>Type</b>	<b>Device</b>
<b>1</b>	May 30, 2023	20230530_215743.jpg	Image	Lexar USB
<b>2</b>	June 23, 2023	20230623_154932.mp4	Video	Lexar USB
<b>3</b>	June 23, 2023	20230623_154616.mp4	Video	Lexar USB
<b>4</b>	June 23, 2023	20230623_154721.mp4	Video	Lexar USB
<b>5</b>	June 23, 2023	20230623_154353.mp4	Video	Lexar USB
<b>6</b>	July 17, 2023	20230717_154445.mp4	Video	Lexar USB
<b>7</b>	July 17, 2023	20230717_111646.mp4	Video	Lexar USB
<b>8</b>	July 17, 2023	20230717_112033.mp4	Video	Lexar USB
<b>9</b>	July 17, 2023	20230717_112342.mp4	Video	Lexar USB
<b>10</b>	July 17, 2023	20230717_111824.mp4	Video	Lexar USB
<b>11</b>	July 17, 2023	20230717_111748.mp4	Video	Lexar USB
<b>12</b>	July 17, 2023	20230717_112302.mp4	Video	Lexar USB
<b>13</b>	July 17, 2023	20230717_111602.mp4	Video	Lexar USB
<b>14</b>	July 17, 2023	20230717_112907.mp4	Video	Lexar USB
<b>15</b>	June 20, 2024	20240620_205651.mp4	Video	Lexar USB
<b>16</b>	June 20, 2024	20240620_205602.mp4	Video	Lexar USB

**All in violation of Title 18, United States Code, Section 2251(a) and (e).**

**COUNT 17**

**(Possession of Child Pornography)**

On or about July 26, 2024, in the Southern District of Ohio, the defendant, **MARK ALTHERR**, did knowingly possess a computer disk, and other material, to wit: a Lexar USB drive and a Memorex USB drive that contained an image of child pornography, as defined in Title 18, United States Code, Section 2256(8)(A), involving a prepubescent minor and a minor who had not attained 12 years of age, that had been mailed, shipped and transported using any means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce by any means, including by computer, and which was produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

**All in violation of 18 U.S.C. §§ 2252A(a)(5)(B) and (b)(2).**

**FORFEITURE ALLEGATION**

Upon conviction of any of the offenses set forth in this Indictment, the defendant, **MARK ALTHERR**, shall forfeit to the United States, pursuant to 18 U.S.C. § 2253(a): (1) any visual depiction described in section 2251, 2251A, 2252, 2252A, 2252B, or 2260 of Title 18, United States Code, Chapter 110, or any book, magazine, periodical, film, videotape or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of Title 18, United States Code, Chapter 110; (2) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense(s); and (3) any property, real or personal, used or intended to be used to commit or to promote the commission of such offense(s) or any property traceable to such property, including but not limited to:

- a. Lexar USB Drive, 64 GB; and
- b. Memorex USB Drive, 64GB.

**SUBSTITUTE ASSETS**

If any of the property described above, as a result of any act or omission of the defendant:


- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 2253(b), to seek forfeiture of any other property of the defendant, up to the value of the property described above.

**A TRUE BILL**

  
\_\_\_\_\_  
**GRAND JURY FOREPERSON**

**KENNETH L. PARKER  
UNITED STATES ATTORNEY**

  
\_\_\_\_\_  
**DANIELLE E. MARGEAUX (OH 0098348)  
KYLE J. HEALEY (OH 0083794)  
ASSISTANT UNITED STATES ATTORNEYS**